

Western District of Texas

Center for Biological Diversity; Save Our Springs
Alliance, Inc.

Plaintiff(s)

V.

Texas Department of Transportation; James Bass

Defendant(s)

Civil Action No. 1:16-cv-876 -LY

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* TEXAS DEPARTMENT OF TRANSPORTATION
Executive Director, James Bass
125 East Eleventh Street
Austin, Texas 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Jennifer Loda; jloda@biologicaldiversity.org
Center for Biological Diversity; 1212 Broadway, Suite 800; Oakland, CA 94612

Kelly Davis; kelly@sosalliance.org
Save Our Springs Alliance, 905 W. Oltoft St., Ste. A; Austin, TX 78704

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JEANNETTE J. CLACK
CLERK OF COURT

Amanda Deichert
Signature of Clerk or Deputy Clerk

Date: July 19, 2016



Civil Action No. 1:16-cv-876

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

38863HFA8
E7DH573FF35: 76

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Western District of Texas**

Case Number: 1:16-CV-876-LY

Plaintiff:

Center for Biological Diversity; Save Our Springs Alliance, Inc.

vs.

Defendant:

Texas Department of Transportation; James Bass

For:

Save Our Springs
905 W. Oltorf
Suite A
Austin, TX 78704

Received by Austin Process LLC on the 21st day of July, 2016 at 11:12 am to be served on **Texas Department of Transportation by serving its Executive Director, James Bass, 125 East 11th Street, Austin, TX 78701.**

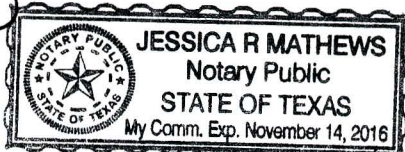
I, Dane R. Cuppett, being duly sworn, depose and say that on the **22nd day of July, 2016 at 1:34 pm, I:**

served a **GOVERNMENT AGENCY** by delivering a true copy of the **Summons in a Civil Action and Complaint for Declaratory and Injunctive Relief** with the date and hour of service endorsed thereon by me, to: **Alicia Ramon-Kane, Texas Department of Transportation as General Counsel for Texas Department of Transportation by serving its Executive Director, James Bass**, and informed said person of the contents therein, in compliance with State Statutes.

I certify that I am over the age of 18, of sound mind, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was delivered. The facts stated in this affidavit are within my personal knowledge and are true and correct.

Subscribed and Sworn to before me on the 22nd day of July, 2016 by the affiant who is personally known to me.


NOTARY PUBLIC




Dane R. Cuppett

SCH-7114, Exp. 9/30/16

Austin Process LLC
809 Nueces
Austin, TX 78701
(512) 480-8071

Our Job Serial Number: MST-2016005242

Western District of Texas

Civil Action No. 1:16-cv-876 -LY

Amanda Deichert
Signature of Clerk or Deputy Clerk

Civil Action No. 1:16-cv-876

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

**AFFIDAVIT OF
SERVICE ATTACHED**

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Western District of Texas**

Case Number: 1:16-CV-876-LY

Plaintiff:

Center for Biological Diversity; Save Our Springs Alliance, Inc.

vs.

Defendant:

Texas Department of Transportation; James Bass

For:

Save Our Springs
905 W. Oltorf
Suite A
Austin, TX 78704

Received by Austin Process LLC on the 21st day of July, 2016 at 11:12 am to be served on **James Bass, Texas Department of Transportation, 125 East 11th Street, Austin, TX 78701.**

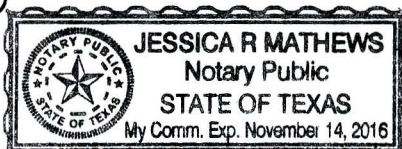
I, Dane R. Cuppett, being duly sworn, depose and say that on the **22nd day of July, 2016 at 1:34 pm, I:**

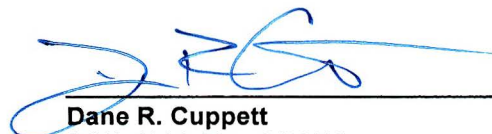
INDIVIDUALLY/PERSONALLY delivered a true and correct copy of the **Summons in a Civil Action and Complaint for Declaratory and Injunctive Relief** with the date of service endorsed thereon by me, to: **Alicia Ramon-Kane, Office of General Counsel, Texas Department of Transportation** at the address of: **Texas Department of Transportation, 125 East 11th Street, Austin, TX 78701**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, of sound mind, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was delivered. The facts stated in this affidavit are within my personal knowledge and are true and correct.

Subscribed and Sworn to before me on the 22nd day of July, 2016 by the affiant who is personally known to me.


NOTARY PUBLIC




Dane R. Cuppett
SCH-7114, Exp. 9/30/16

**Austin Process LLC
809 Nueces
Austin, TX 78701
(512) 480-8071**

Our Job Serial Number: MST-2016005241